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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,593	07/07/2003	Richard Dhont	DEN528	1637

7590 10/18/2004
Thomas S. Baker, Jr.
1371 West 3rd Ave.
Columbus, OH 43212

EXAMINER

WHITE, DWAYNE J

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/614,593	Applicant(s) DHONT, RICHARD	
	Examiner Dwayne J White	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9,11-14,16 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 2,8,10,15 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/3/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 14, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelsay, III (6,419,419). Kelsay, III discloses a rotor blade for a mechanical trowel comprising: a blade arm 18; a blade plate 12, and a spacer bar 20 disposed between the two. The blade plate and the spacer bar are removably fastened to the blade arm by a threaded bolt 28 and nut 34 through the unthreaded holes formed in the blade plate, spacer bar and the blade arm (Column 2, lines 40-51). When the fastening means is removed the spacer bar and the blade plate are separable. The unthreaded holes of the blade plate and spacer bar are chamfered such that the bolt head sink into the chamfered holes (See Figure 5). Kelsay, III further envisions an embodiment wherein the spacer bar is eliminated and the blade arm extends vertically to serve as the spacer bar as well as the blade arm (Column 4, lines 12-16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9, 11, 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelsay, III in view of Rijkers (6,536,989). Kelsay, III discloses all of the claimed subject matter as stated above except the blade arm and spacer bar being a subassembly, the spacer bar being welded or screwed to the blade arm or the blade arm having a cylindrical root part fitted into the hub and a polygonal plate bearing part.

Rijkers teaches a rotor blade for a mechanical trowel comprising a blade arm having a cylindrical root part and a polygonal plate bearing part 12 (See Figure 2); a spacer bar 24; and a blade plate 13. The spacer bar and blade arm are screwed together forming an integral subassembly. (Column 3, lines 37-48). Since both Kelsay, III and Rijkers disclose Rotor blade assemblies for a mechanical trowel, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the assembly of Kelsay, III, with the teachings of Rijkers, by having the spacer bar and blade arm be an integral subassembly as taught for the purpose of reducing assembly costs.

Claims 6, 12, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelsay, III in view of Rijkers. Kelsay, III as modified by Rijkers discloses all of the claimed subject matters as stated above except for the nut being a cap nut or the plate bearing part of the blade arm having a cross section wherein the upper part is hexagonal and the lower part is quadrilateral.

Since applicant has not disclosed that having a cap nut or the plate bearing part of the blade arm of a specific shape solves any stated problem or is for any particular purpose above the

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fact that the quadrilateral shape allows the blade plate to be below the rotor and it appears that the assembly of Kelsay as modified by Rijkers would perform equally well with a shape and cap nut as claimed by applicant, it would have been an obvious matter of design choice to modify the assembly of Kelsay in view of Rijkers by utilizing the specific shape and nut as claimed for the purpose of ensuring the blade plate rests below the rotor.

CONCLUSION

Allowable Subject Matter

Claims 2, 8, 10, 15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

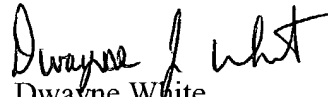
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne J White whose telephone number is (703) 306-3464. The examiner can normally be reached on 7:30 am to 5 pm T-F and alternate Mondays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (703) 308-1044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dwayne White
Patent Examiner
Art Unit 3745

DJW


EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700
10/13/04